

REMARKS

The present amendment and remarks are in response to the Office Action mailed on July 3, 2002. Claims 1-3 are pending in the application. The Office Action acknowledges Applicant's election of claims 1-3. The Office Action rejects claim 1 under 35 U.S.C. § 102(e) and rejects claims 1-3 U.S.C. § 103(a). Claim 1 has been amended and claim 4 has been cancelled, without prejudice or disclaimer. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Versions with Markings to Show Changes Made.**" Applicants respectfully submit that the rejections have been overcome or are improper in view of the amendments and for the reasons set forth below.

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,812,857 to Nelson et al. ("*Nelson*"). The anticipation rejection of claim 1 is improper. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). Applicants respectfully submit that *Nelson* does not disclose a number of the elements of the claimed invention and, therefore, does not anticipate the claimed invention.

Of the pending claims, claim 1 is the only independent claim. Independent claim 1, as amended, relates to a method for operating a network computer. More specifically, the method relates to operating a first computer that is connected to a network, such as an intranet or the Internet. The method requires the steps of loading first configuration data for a first task, allocated to the first computer, into the first computer via the network wherein the loading is initiated either independently or in response to a specific request, configuring the hardware of the first computer corresponding to the first configuration data so that the first computer exhibits a

hardware structure adjusted to the first task, and processing the first task with the first computer configured with the first configuration data.

As discussed in the specification, it is the state of the art to use network computers, whose hardware is fixed, which can load required program parts from a central computer so as to configure the software of the network computer corresponding to a specific application which is to run on the network computer. In contrast, to obtain a more effective configuration of a network computer, the present invention configures not only the software of the network computer, but primarily the hardware thereof.

In particular, the present invention assumes that the network computer initially does not exhibit a structure, that is, all hardware resources of all network computers are substantially the same. If there is a specific task which is to run on one of the network computers, respective configuration data is loaded into the network computer via the network, and the hardware of the network computer is configured corresponding to this configuration data so as to be able to process the respective task with the respective network computer, configured in this way, as effectively as possible. Thus, the present invention configures the hardware of the network computer such that the network computer exhibits a hardware structure that is adjusted to the respective task.

In contrast, *Nelson* discloses an apparatus and a method for downloading upgrades to a configurable embedded computer system over a computer network. As discussed in column 1, lines 29-36, field configurable embedded computer systems are used to build a family of products. Each product in the family uses the same field configurable computer system hardware. The family members differ from each other in the feature functions they provide. The

feature functions for a particular family member are implemented in computer software. Thus, by changing the software, a product can be changed from one family member to another.

Nelson relates to an apparatus and a method for changing the feature functions of such a configurable embedded computer system. In particular, *Nelson* replaces both the download network driver section and the feature network driver section of such a configurable embedded computer system with a single combined network driver section, thereby eliminating redundant network drivers (see column 3, lines 21-28), whereby new download code, including new network drivers, is downloaded to such a configurable embedded computer system (see column 3, lines 31-36). Thus, *Nelson* only discloses configuring a network computer connected to a network via a data download for configuring the computer code, that is, the software, of the network computer. The passage cited by the Examiner at column 5, lines 1-18 only reinforces this idea.

Therefore, *Nelson* discloses nothing more than the prior art discussed in the specification of the present invention. In particular, *Nelson* discloses only downloading program parts or computer code for configuring the software of the respective network computer. However, *Nelson* does not disclose to configure the hardware architecture of the network computer, as required by claim 1 of the present application. Accordingly, *Nelson* does not anticipate claim 1 and this rejection should be withdrawn.

Claims 1-3 stand rejected under 35 U.S.C § 103(a) as being unpatentable over United States Patent No. 6,012,088 to Li et al. ("*Li*") in view of United States Patent No. 6,298,370 to Tang et al. ("*Tang*"). Applicants respectfully submit that *Li* even if combined with *Tang* fails to teach or suggest a number of features of the claimed invention.

Li relates to an internet access device which uses an automatic configuration process to handle the task of configuring the internet access device at a customer site for communication with the internet. Once configured, the customer has electronic mail and other access to the internet from his local area network. The customer has to enter a registration identification number and a telephone number onto the internet access device. The internet access device then automatically connects to the internet, downloads configuration data from a configuration server containing customer site-specific configuration data, and then automatically configures itself for communication with the internet. *See, Li*, Abstract; Col. 3, Lines 23-61; Col. 9, Lines 11-63; and Col. 12, Lines 38-48.

As described above *Li* also only discloses transmitting configuration data from a server to a network computer via the respective network which is used to configure the software of the respective network computer. ⁷*Li* does not teach nor does it suggest modifying or structuring the hardware of the network computer using the configuration data in any respect. Therefore, *Li*, like Nelson, discloses nothing more than the prior art discussed in the specification of the present invention.

Tang is cited merely for teaching features relevant to dependent claims 2 and 3. *Tang* does not disclose a network over which any configuration data is transmitted. ⁷Therefore, *Tang* also fails to disclose, teach or suggest a computer network which receives configuration data and, in response thereto, configures the hardware of the network computer so as to obtain a hardware structure which is adjusted to the respective task as required by the claimed invention. Accordingly, *Tang* does not remedy the deficiencies of *Li*. As such, the Examiner has failed to establish a *prima facie* case of obviousness and claim 1-3 should be allowed.

As described above, none of the references cited by the Examiner discloses nor renders obvious to a person skilled in the art transmitting configuration data via a computer network, which is selected depending on a specific task to be carried out by one of the network computers and which is used for configuring the hardware of this network computer such that the network computer exhibits a hardware structure or hardware architecture adjusted to the respective task as required by the claimed invention.

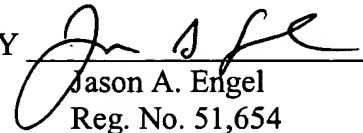
For the foregoing reasons, Applicants respectfully request reconsideration of the present application and earnestly solicit an early allowance of same.

It is further noted that no fees are due in connection with this application at this time. However, if any fees are due in connection with this application as a whole, the office is authorized to deduct said fees from Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. (114543-002) on the Account Statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

A handwritten signature in black ink, appearing to read "Jason A. Engel", is written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

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Claim 4 has been canceled, without prejudice or disclaimer.

Claim 1 has been amended as follows:

1. (Amended) A method for operating a first computer that is connected to a network, the method comprising the steps of:

loading first configuration data for a first task, allocated to the first computer, into the first computer via the network wherein the loading is initiated either independently or in response to a specific request;

configuring the hardware of the first computer corresponding to the first configuration data so that the first computer exhibits a hardware structure adjusted to the first task; and processing the first task with the first computer configured with the first configuration data.